

76-6-106. Criminal mischief.

- (1) As used in this section, "critical infrastructure" includes:
- (a) information and communication systems;
 - (b) financial and banking systems;
 - (c) any railroads, airlines, airports, airways, highways, bridges, waterways, fixed guideways, or other transportation systems intended for the transportation of persons or property;
 - (d) any public utility service, including the power, energy, and water supply systems;
 - (e) sewage and water treatment systems;
 - (f) health care facilities as listed in Section 26-21-2, and emergency fire, medical, and law enforcement response systems;
 - (g) public health facilities and systems;
 - (h) food distribution systems; and
 - (i) other government operations and services.
- (2) A person commits criminal mischief if the person:
- (a) under circumstances not amounting to arson, damages or destroys property with the intention of defrauding an insurer;
 - (b) intentionally and unlawfully tampers with the property of another and as a result:
 - (i) recklessly endangers:
 - (A) human life; or
 - (B) human health or safety; or
 - (ii) recklessly causes or threatens a substantial interruption or impairment of any critical infrastructure;
 - (c) intentionally damages, defaces, or destroys the property of another; or
 - (d) recklessly or willfully shoots or propels a missile or other object at or against a motor vehicle, bus, airplane, boat, locomotive, train, railway car, or caboose, whether moving or standing.
- (3) (a) (i) A violation of Subsection (2)(a) is a third degree felony.
- (ii) A violation of Subsection (2)(b)(i)(A) is a class A misdemeanor.
- (iii) A violation of Subsection (2)(b)(i)(B) is a class B misdemeanor.
- (iv) A violation of Subsection (2)(b)(ii) is a second degree felony.
- (b) Any other violation of this section is a:
- (i) second degree felony if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of \$5,000 in value;
 - (ii) third degree felony if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of \$1,500 but is less than \$5,000 in value;
 - (iii) class A misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of \$500 but is less than \$1,500 in value; and
 - (iv) class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss less than \$500 in value.
- (4) In determining the value of damages under this section, or for computer crimes under Section 76-6-703, the value of any item, computer, computer network, computer property, computer services, software, or data includes the measurable value of the loss of use of the items and the measurable cost to replace or restore the items.

(5) In addition to any other penalty authorized by law, a court shall order any person convicted of any violation of this section to reimburse any federal, state, or local unit of government, or any private business, organization, individual, or entity for all expenses incurred in responding to a violation of Subsection (2)(b)(ii), unless the court states on the record the reasons why the reimbursement would be inappropriate.

Amended by Chapter 135, 2012 General Session